

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed January 18, 2007. Claims 1-2 and 22 were previously canceled, claim 3 is amended, claims 10-12 and 15-21 are allowed and claims 3-21 remain pending in view of the above amendments.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. .

Rejection Under 35 U.S.C. §102

The Office Action rejected claims 3, 8, and 13 under 35 U.S.C. § 102(e) as being anticipated by *Berolo* (United States Patent No. 6,753,958). Because *Berolo* does not teach or suggest each and every element of the rejected claims, Applicants respectfully traverse this rejection in view of the following remarks.

Claim 3 has been amended to clarify that the monolithic or hybrid integrated optical component has an output port and that the additional waveguide has an end that is arranged in the vicinity of the output port of the optical component. Further, claim 1 clarifies that there are at least two waveguides: one waveguide structure configured to transfer an optical signal associated with the optical component and an additional waveguide to influence a propagation of the scattered light in a targeted manner. These elements, among others, are not taught or suggested by *Berolo* as discussed in more detail below.

For example, the Office Action suggests that the additional waveguide required by claim 3 is taught by the waveguide 44 of *Berolo*. Applicants respectfully disagree. As indicated above, claim 3 recites that one end of the additional waveguide is arranged in the vicinity of the output port of the optical component. This arrangement enables the scattered light system to influence a propagation of scattered light from the output port of the optical component as required in claim 3.

In contrast, the end of the waveguide 44 taught by *Berolo* is not arranged in the vicinity of an output port of an optical component. *Berolo* clearly teaches that the light in the waveguide 43 is allowed to expand within a slab waveguide until it is incident on a reflective grating. See col. 4, lls. 60-63. After the light has expanded, the reflective grating reflects the light to the waveguide 44.

Because *Berolo* teaches and allows the light to expand within the slab waveguide and then be reflected by a grating to the waveguide 44, *Berolo* does not teach or suggest an additional waveguide with one end arranged in the vicinity of the output port of the optical component. Thus, *Berolo* does not teach both a waveguide structure and an additional waveguide as arranged and recited in claim 3.

Further, the waveguide slab of *Berolo* also does not teach or suggest the scattered light system recited in claim 3. Because the waveguide slab allows the light to expand within the two dimensional slab waveguide, it cannot teach or suggest a scattered light system that influences the propagation of scattered light in a targeted manner as recited in claim 3.

For example, Figure 3 of the present application illustrates one example of this aspect of influencing the propagation of scattered light in a targeted manner. In Figure 3, an additional waveguide influences the propagation of scattered light in a targeted manner. In contrast, *Berolo* allows the light to expand within a slab waveguide before being incident on a grating. Thus, *Berolo* fails to teach or suggest the scattered light system as required in claim 3.

For at least these reasons, Applicants respectfully submit that claim 3 is not anticipated by the cited art. Claims 8 and 13 overcome the cited art for at least the same reasons.

Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 9 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Berolo*. Because claim 3 overcomes the cited art as discussed above, claims 9 and 14 are likewise not taught or suggested by the cited art.

Allowed Subject Matter

The Examiner's allowance of claims 10-12 and 15-21 and the indication of allowability of claims 4-5 is appreciated. Applicants wish to thank the Examiner for the careful review and allowance of those claims.

The Applicant's submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed invention of claims 1-24 is patentable over the prior art, but respectfully disagrees with the Examiners statement of reasons for allowance as set forth in Office Action. Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicant's do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

Conclusion

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 18th day of May, 2007.

Respectfully submitted,

/Carl T. Reed/ Reg. #45454
CARL T. REED

CARL T. REED
Registration No. 45,454
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800